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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,375	02/12/2001	Christoph Hauger	00014	7035
47988	7590	08/21/2009		
WALTER OTTESEN PO BOX 4026 GAITHERSBURG, MD 20885-4026			EXAMINER FINEMAN, LEE A	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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In re Application of:
HAUGER et al.

Serial No.: 09/780,375

Filed: February 12, 2001

Attorney Docket No.: 00014

DECISION ON PETITION
UNDER 35 USC 1.136(b)

This is a decision on the petition filed June 10, 2009, and refiled on July 02, 2009, for an extension of time under 37 C.F.R. § 1.136(b).

The petitions are Denied.

Petitioner requests an extension of time for one month on June 10, 2009, and a two month extension of time on July 02, 2009, in order to permit a proper reply brief to be prepared and filed in response to the Examiner's answer.

A review of the record reveals that a Notice of Appeal was filed on November 13, 2008, an Appeal Brief was filed on January 13, 2009, and an Examiner's answer to the brief was mailed on April 15, 2009.

37 C.F.R. § 1.136(b) states in pertinent part:

(b) When a reply cannot be filed within the time period set for such reply and the provisions of paragraph (a) of this section are not available, the period for reply will be extended only for sufficient cause and for a reasonable time specified.

37 C.F.R. § 41.41 states in pertinent part:

(a)(1) Appellant may file a reply brief to an examiner's answer within two months from the date of the examiner's answer.

The petitions must set forth sufficient cause. Petitioner states the reason for requesting more time is for consultation. Petitioner does not indicate any specific issues raised by the Examiner's answer to which the appellants feel a need to reply, or why it would require more time to make such a reply. As such, the filed petitions do not establish sufficient cause which would warrant extending the period

In addition, as stated in § 41.41(a)(1), a reply brief may (emphasis added) be filed within two months of the examiner's answer. Thus, the filing of the reply brief is an optional action, and not a required response. As pointed out previously, a specific need to reply has not been identified. After review of the Examiner's answer, the appellants may feel no response is needed. Extending the time to make the decision on whether or not to file a reply brief is not sufficient cause.

For the above stated reasons the petitions must be denied. The case will be returned to the Board of Patent Appeals and Interferences for consideration of the appeal.

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.

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